

Eckstein that Ickes had called you and told you that the decision in favor of Mr. O'Connor's client tribes had to be issued that day without delay. Is this true?

McCain's letter asks Babbitt specifically to confirm or deny the truth of Eckstein's recollection about what Babbitt said to Eckstein about Ickes, not simply whether Babbitt and Ickes had communicated about the Hudson matter.⁸²⁶ In his Aug. 30, 1996, response, Secretary Babbitt stated:

I must regretfully dispute Mr. Eckstein's assertion that I told him that Mr. Ickes instructed me to issue a decision in this matter without delay. I never discussed the matter with Mr. Ickes; he never gave me any instructions as to what this Department's decision should be, nor when it should be made.

The most reasonable reading of this response was that Babbitt was denying that he either discussed the matter with Ickes or ever mentioned Harold Ickes in his conversation with Eckstein. McCain understood Babbitt's letter to be a flat denial of Babbitt's ever having invoked Ickes's name. Babbitt recently acknowledged that to be a reasonable reading of the letter and has apologized to McCain for misleading him in the letter.

Babbitt's disclosure, in his Oct. 10, 1997 letter to Sen. Thompson, that he had, in fact, invoked Ickes's name during his conversation with Eckstein gave rise to the allegation that he had intentionally misled Sen. McCain. Babbitt anticipated and addressed this issue in his prepared statement at the beginning of his testimony before the Thompson Committee:

⁸²⁶Indeed, the prior two separate questions McCain posed to Babbitt in the letter asked (1) whether Ickes or his staff called Babbitt or his staff around July 14, 1995, about Hudson, and (2) whether Ickes conveyed to Babbitt that Interior should not delay release of its decision to deny the application.